



Patent
Attorney's Docket No. 032498-018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
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Rene WEBER)	Group Art Unit: 2841
)	
Application No.: 10/667,312)	Examiner: Randy Gibson
)	
Filed: September 23, 2003)	Confirmation No.: 9276
)	
For: WEIGHING PAN WITH A MEANS)	
TO PROTECT THE WEIGHING)	
OBJECT)	

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed May 6, 2004, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims. Claims 1-10 currently are pending.

In section 1 on page 2, the Action states that the Information Disclosure Statement (IDS) filed September 23, 2003, fails to comply with 37 CFR 1.98(a)(3) because a concise Explanation was not given with respect to each patent listed that is not in the English language. In particular, the Office did not consider German language patent documents DE3824226A1, DE19822810A1 and DE29517368. In response, Applicant submits that an explanation of the relevance of document DE29517368 has been provided in the specification, in paragraphs 0004 and 0007. Hence, no further explanation is believed necessary for document DE29517368. With respect to the DE3824226A1 and DE19822810A1 documents, Applicant submits herewith an Information Disclosure Statement containing English language abstracts for each of these documents. The Examiner is requested to consider

these documents and so indicate by initialing the 1449 forms provided with the present IDS and the IDS filed on September 23, 2003.

Applicant notes with appreciation the Examiner's indication of allowable subject matter contained in claims 9 and 10. However, Applicant respectfully submits that all the pending claims are allowable, for the following reasons:

In the Office Action, claim 1 was rejected under 35 U.S.C. § 102 as allegedly being anticipated by Rogallo (U.S. Patent No. 3,304,773). This rejection is respectfully traversed.

As instructed in the MPEP, for a reference to anticipate a claim, the reference must expressly or inherently describe every element of the claim. See MPEP § 2131 and the caselaw cited therein. The Section 102 rejection cannot stand because the Rogallo patent does not disclose a number of the specific features set forth in the claims. For instance, the rejection fails to identify where the Rogallo patent discloses the claimed feature of a weighing pan with a coated surface, which in relation to a test weight has a first sliding friction and a first adhesive friction that are at least twice as strong, respectively, as a second sliding friction and a second adhesive friction between the test weight and a non-coated, polished surface of an analogous weighing pan made of hard metal. See Applicant's claim 1.

The Rogallo patent discloses a force transducer which is used in a micro-meteoroid detector. The detector target includes a polymer (polyethylene) coating. The purpose of the coating is to provide a high energy-transfer and a high momentum transfer from the target to the piezoelectric detection system in the event of a micro-meteoroid striking the target. A further objective of Rogallo is to provide a target which is optimized for short decay times of the pulsed signals so that the events of the micro-meteoroid stroke can be separated from each other. In contrast to what is disclosed in Rogallo, claim 1 recites an amount of sliding and adhesive friction between the polymer coating and a test weight, as pointed out above. Such features, however, are not described in the Rogallo patent.

The Rogallo patent, therefore, does not describe all the claimed elements set forth in claim 1. Accordingly, claim 1 is considered allowable.

The Action also includes a rejection of claims 1-3 under 35 U.S.C. § 102 as allegedly being anticipated by Cech et al. (U.S. Patent No. 5,957,491). This rejection is respectfully traversed.

It is respectfully submitted that the Cech et al. patent does not anticipate the combination of features set forth in independent claim 1 because Cech et al. fails to describe, among other features, anything whatsoever with respect to an amount of sliding friction and adhesive friction of the coating in relation to a test weight as set forth in claim 1.

Furthermore, the coating described in Cech et al. does not cover a "weighing pan" within any reasonable interpretation of this term. Rather, the coating covers a bladder, the functionality of which is being part of the force-transfer system of the described weighing-system. According to Cech et al., the compression of the fluid is sensed by a pressure sensor. Hence, the purpose of the fluid-filled bladder in Cech et al. is to transfer the force of the load to the sensing system. By contrast, the weighing pan set forth in claim 1 is operable for carrying a load during the weighing process. A weighing pan is connected to means that transfer the force of the load to a weighing sensor, but is not a part of the force-transfer system. When a bladder is used in a seat, it is not in direct contact with the load (see, Figures 1, 5 and 8) because it does not correspond to a weighing pan. It is instead sandwiched between a front seat frame from below and a seat cushion frame from above (column 6, lines 50-52).

Figures 3 and 4 illustrate the effect of a load on the bladder of Cech et al. As shown in these figures, the bladder deforms when a load is applied to it (which may occur under testing conditions). Therefore, there is no need to perform the surface of the bladder in a way to restrict its friction (i.e., sliding friction and/or adhesive friction) because there is no danger of the load slipping on it.

Finally, it is to be noted Applicant disagrees with the following statements

from section 4 of the Action:

Cech et al. discloses a weigh pan (12) that is coated with polyurethane (Col. 4, lines 39-44). The recitation that the pan is operable to weigh a test weight on a comparator balance has not been given patentable weight because the recitation occurs in the preamble."

It is respectfully submitted that the Examiner cannot simply overlook features recited in the body of the claim which refer back to the preamble because such features breathe life into the preamble. For instance, the antecedent basis for "*said* test weight" in line 4 of claim 1 is found in the preamble of the claim.

On page 3 of the Office Action, claims 2-8 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over the Rogallo patent in view of Maejima (Japanese patent publication no. 61-057660). This rejection is respectfully traversed.

Claims 2-8 depend from independent claim 1. As pointed out above, the Rogallo patent fails to teach or suggest the claimed features of a weighing pan with a coated surface, which in relation to a test weight has a first sliding friction and a first adhesive friction that are at least twice as strong, respectively, as a second sliding friction and a second adhesive friction between the test weight and a non-coated, polished surface of an analogous weighing pan made of hard metal, as set forth in claim 1.

It is respectfully submitted that the relied upon teaching in the Maejima document of a lacquer having good corrosion resistance does not remedy the shortcomings pointed out above with respect to Rogallo. Maejima discloses a colour-coating including Urethan-elastomer that provides a good chemical resistance as well as a good corrosion resistance. The coating contains powder, which enhances its electrical conductivity in order to enhance antistatic properties. However, such a coating would not solve the problem of a sliding load addressed by the present invention because there is no mention or even a hint in Maejima to provide a coating to a weighing pan having a predetermined sliding friction and/or adhesive friction in relation to a test weight as claimed.

For at least these reasons, the Maejima documents fail to teach or suggest the combination of each and every feature recited in independent claim 1, and hence also in claims 2-8 depending therefrom. Additionally, the additional features recited in these dependent claims set forth further distinctions not taught or suggested in the applied art.

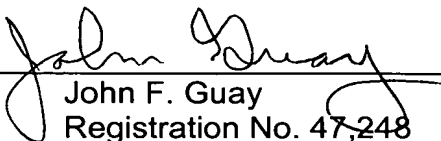
The Action also includes a rejection of claims 4-8 under 35 U.S.C. § 103, as allegedly being unpatentable over the Cech et al. patent. Applicant respectfully traverses this rejection. As pointed out above, the Cech et al. patent does not describe any weighing pan within the confines of a reasonable meaning of this term. Indeed, on page 4, line 2, the Examiner characterizes an automobile seat as being a weighing pan. Moreover, claims 4-8 depend from claim 1, and the conclusory statements in the rejection do not present any evidence from the cited reference or what is known in the art that would have led one of ordinary skill in the art to the combination of specific features recited in independent claim 1, and hence also in dependent claims 4-8. Hence, claims 4-8 are considered allowable.

Applicant submits that the present application is in condition for allowance. In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that issuance of the application will not be further delayed.

Respectfully submitted,

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Date: November 8, 2004

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